

Amendment/Reply

Applicant: Shell S. Simpson et al.

Filed : 03/23/2001

Docket No.: 10008091-1

Title: System And Method For Determining The Time Required To Complete A Print Job

REMARKS

Claims 1-17 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Streefkerk et al. in view of Parry (2002/0093676, hereinafter referred to as '676). According to §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of § 102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application was filed on March 23, 2001. Because the present application was filed before '676 was published, the § 103 rejection is based upon 35 U.S.C. § 102(e). The recorded assignments for the present application and '676 indicate that both are owned by the Hewlett-Packard Company. The Applicants assert that the common ownership existed at the time the invention of the present application was made.

In view of the common ownership statement made above, the Applicants respectfully submit that '676 should be excluded as prior art based on the provisions of 35 U.S.C. § 103 (c). Accordingly, the Applicants respectfully request that the claim rejections under § 103 be withdrawn.

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In view of the above, it is respectfully submitted that this case is in condition for allowance and now may be passed to issue forth with. A holding to this effect is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this patent application, the Examiner is invited to contact the undersigned attorney during normal Mountain Time Zone business hours.

Respectfully submitted,

Shell S. Simpson et al.

Date: 12/13/04
James R. McDaniel
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